

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, *
*
Plaintiff, *
*
V. * CR. NO. 2:06 CR-148-WHA
*
BENJAMIN VAN BUREN, *
*
Defendant. *

UNOPPOSED MOTION TO CONTINUE SUPPRESSION HEARING

Comes now the defendant, by and through undersigned counsel, and submits the following:

1. A suppression hearing is set for November 16, 2006, at 9:00 a.m., trial is set for the January 8, 2007, term.

2. Undersigned counsel has a previously set evidentiary hearing in the Circuit Court of Montgomery County, Alabama in the case of Flowers v. State, Case No. CC-97-20.60, set to begin at 9:00 a.m. on November 15, 2006 (order attached as Exhibit A). The Flowers case is a post conviction capital murder (death sentence) evidentiary hearing and is expected to last three days. There are out of state witnesses expected to testify with at least one coming from California.

3. Undersigned counsel has spoken with AUSA Terry Moorer regarding this motion and the Government does not oppose this motion.

4. Wherefore, defendant requests that the suppression

hearing be reset to a different date so as not to conflict with the above matter.

Respectfully submitted this 7th day of November, 2006.

s/Jeffery C. Duffey
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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Terry Moorer, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for
Benjamin Van Buren